



UNITED STATES PATENT AND TRADEMARK OFFICE

EN
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,429	11/01/2001	Wu-Hsiung Ernest Hsu	5707-136	6707
20575	7590	01/29/2004	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205				YAO, SAMCHUAN CUA
ART UNIT		PAPER NUMBER		
1733				

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/016,429	HSU ET AL.
Examiner	Art Unit	
Sam Chuan C. Yao	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 December 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 and 7-40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5 and 7-40 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite, because it is unclear what is intended by the limitation “pressure in said formation press ...” (emphasis added). Is the pressure recited in this claim referring to a pressing pressure exerted by a product formation press on a fibrous mat or a vapor pressure in the product formation press? For the purpose of examining this limitation, the recited pressure is assumed to be directed to a vapor pressure.

Claims 18-20 are indefinite, because the limitation “emission press system” does not have a positive antecedent.

Claims 5, 21 and 35 are indefinite for the same reasons set forth in claim 1 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, and 7-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camp, III (US 4,025,272) in view of WO 00/25999.

With respect to claims 1-5, 7-10, 12-19, Camp, III discloses a process of making a lignocellulosic pressed board, the process comprises forming a mat including a blend of lignocellulosic fibers/particles and thermosetting resin; heat-pressing the mat using a pair of platens (36,38; taken to be a product formation press) of a band-press to form the lignocellulosic board; wherein the platens is provided with a sealing element (66) so that the platens are substantially closed to the surrounding atmosphere (col. 1 lines 1-29; col. 3 lines 47-60; col. 5 line 6 to col. 6 line 10; col. 7 lines 29-65; figures 1, 5-6).

Although not explicitly disclosed, VOC and HAP are intrinsically produced during a heat-pressing operation of a mat as evidence from the teachings of WO '999 (page 1 lines 17-29).

Camp, III does not teach withdrawing at least about 50% of VOC and HAP emission produced during a heat-pressing operation and recovering, without releasing to the atmosphere, the withdrawn VOC and HAP; and does not teach the vapor pressure during the heat-pressing operation. However, it would have been obvious in the art to continuously withdraw at least about 50% VOC and HAP emitted using a vacuum pressure and continuously recover them without releasing them to the atmosphere during a heat-pressing operation and incinerating them in a combustion chamber in a process taught by Camp, III, because WO '999 teaches VOC and other gaseous substances emitted during a

heat-pressing operation of a lignocellulosic fibrous mat are harmful to the health of operator(s) in a workshop, and suggests continuously applying a vacuum pressure during a heat-pressing operation of a lignocellulose mat so that no VOC and other gaseous substances are emitted to the workshop, and continuously recovering and feeding them into a combustion plant for incineration (page 1 lines 17-29; page 2 lines 11-19; figure 1). It directly follows that, since any VOC and gaseous substances generated during a heat-pressing operation is continuously withdrawn, and since one in the art would have simply increase the amount of vacuum pressure exerted during a heat-pressing operation to ensure that the vapor pressure is significantly less than the surrounding atmospheric pressure of around 14.7 psi, thereby preventing VOC or other gaseous substances from leaking out, the recited vapor pressure of not greater than 10 or 5 psi would have been obvious in the art.

With respect to claim 8, absent any showing of unexpected result, a preference on whether to condense withdrawn emitted VOC and other gaseous substances is taken to be well within the purview of choice in the art. An incentive for one in the art to condense withdrawn emitted VOC and other gaseous substances would have simply to obtain a self-evident advantage of simplifying the transportation and handling of the withdrawn gaseous materials.

With respect to claim 11, since it is a common practice in the art to use the same heat-pressing operation in making particle/fiber boards and oriented strand boards, this claim would have been obvious in the art.

With respect to claim 16, the recited moisture content of a fibrous mat prior to heat-pressing operation is conventional in the art.

With respect to claim 20, it is notoriously a common practice in the art to heat-press a fibrous mat in a heat-press having a pair of caul screens.

With respect to claims 21-40, these claims are essentially a mere repetition of the above rejected claims, for essentially the same reasons, these claims would have been obvious in the art.

Response to Arguments

5. Applicant's arguments with respect to claim 1 or 21 has been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 123-345-7890.


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
01-22-04